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6 AMERICA SERVICE GROUP, INC. (ERRONEOUSLY
7 SUED AS PRISON HEALTH SERVICES SHORT AND
8 LONG TERM DISABILITY PLAN)

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 KITTY NIX,

13 Plaintiff,

14 v.

15 PRISON HEALTH SERVICES SHORT AND
16 LONG TERM DISABILITY PLAN,

17 Defendant.

18 AMERICA SERVICE GROUP, INC.
19 (ERRONEOUSLY SUED AS PRISON
20 HEALTH SERVICES SHORT AND LONG
21 TERM DISABILITY PLAN),

22 Third-Party Plaintiff,

23 v.

24 UNUM LIFE INSURANCE COMPANY OF
25 AMERICA,

26 Third-Party Defendant.

CASE NO. C 05-3242 (PJH)

**NOTICE OF DISMISSAL OF THIRD
PARTY COMPLAINT WITHOUT
PREJUDICE**

Judge: The Honorable Phyllis J. Hamilton

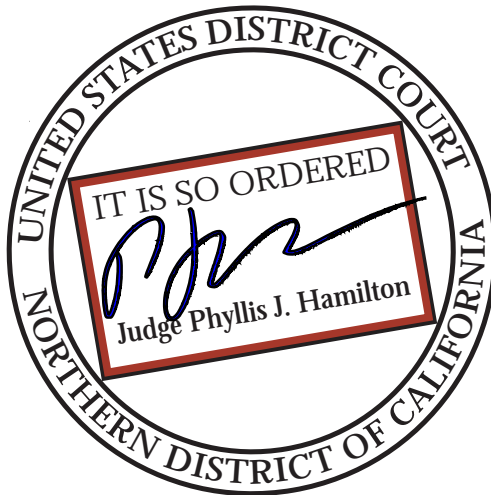
27 PLEASE TAKE NOTICE THAT, pursuant to Federal Rule of Civil Procedure
28 41(a)(1)(i), Third Party Plaintiff voluntarily dismisses the Third Party Complaint without
prejudice.

1 DATED: 12/17/05

2 ALLEN J. GROSS
3 AMBER M. SPATARO
4 MITCHELL SILBERBERG & KNUPP LLP

5 By: 

6 Allen J. Gross
7 Attorneys for Defendant
8 AMERICA SERVICE GROUP, INC.
9 (ERRONEOUSLY SUED AS PRISON
10 HEALTH SERVICES SHORT AND LONG
11 TERM DISABILITY PLAN)



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18, and not a party to the within action; my business address is Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

On December 7, 2005, I served the foregoing document(s) described as **NOTICE OF DISMISSAL OF THIRD PARTY COMPLAINT WITHOUT PREJUDICE** on the parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows, and taking the action described below:

Timothy J. Fricker, Esq.
Fricker & Mellen & Associates
Tribune Tower
409 13th Street, 17th Floor
Oakland, CA 94612

Sean P. Nalty, Esq.
Kelly Herlihy & Klein LLP
44 Montgomery Street, Suite 2500
San Francisco, CA 94104-4712

Melba Jordan
UNUM Provident
655 North Central Avenue, Suite 1200
Glendale, CA 91203
(*Courtesy Copy*)

☐ **BY E-MAIL:** I sent a copy of the above-described document(s) via e-mail to each of the individuals set forth on the attached service list, at the following email address:

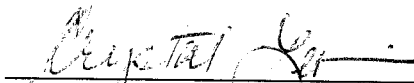
☐ **BY FAX:** Along with placing a copy of the document in a sealed envelope I sent a copy of the above-described document(s) via telecopier to each of the individuals set forth above, at the following facsimile telephone numbers:

☐ **BY PERSONAL DELIVERY:** I caused personal delivery by a **CERTIFIED ATTORNEY SERVICE** of the document(s) listed above to the person(s) at the address(es) set forth above.

☒ **BY PLACING FOR COLLECTION AND MAILING:** I sealed and placed the envelope(s) for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at 11377 West Olympic Boulevard, Los Angeles, California 90064-1683 in the ordinary course of business.

Executed on December 7, 2005, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Crystal Lewis